

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 3169*

House Bill No. 3056

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-10-602, is amended by deleting the section in its entirety and by substituting instead the following language:

Section 63-10-602.

(1) All national, state or local public or private organizations, institutions, foundations, systems, provider networks or professional associations or societies that maintain a peer review committee; and

(2) Any managed care organization regulated under Title 56, Chapter 32, or any entity regulated under Chapters 7, 25, 26, 27, 28, 29, and 32 of this title that contracts with or employs physicians to render health care services to individuals covered or insured by such organization or entity in accordance with applicable state laws and maintains a peer review committee; and

(3) Any person under a contract or other formal agreement with such peer review committee, and any person who participates in or assists that peer review committee, and members of boards of directors or trustees of any organization or other entity operating a peer review committee, and any individual appointed to such peer review committee; is immune from liability to any patient, individual or organization for furnishing information, data, reports or records to any such committee, or for damages resulting from any decision, opinions, actions and proceedings rendered, entered

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or acted upon by such committee, if made or taken in good faith without malice
and on the basis of facts reasonably known or reasonably believed to exist.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 10, Part 6, is
amended by adding the following language as a new section to be designated as
Section 63-10-607:

Section 63-10-607. (a) The board of medical examiners shall have the
authority to modify any of its orders concerning actions taken pursuant to
subsection 63-6- 214(b)(10), upon request of any party, by issuing a conditional
license to practice medicine in this state to a person whose license has
previously been denied, withheld, suspended or revoked in accordance with that
subsection because the individual was convicted of an offense under state or
federal drug laws. The board may take such action only:

(1) After the greater of three (3) years or the expiration of any
sentence imposed upon a person convicted of such an offense, without
consideration of whether the individual was released or remained incarcerated
throughout the term of such sentence;

(2) After the individual has fully complied with any other terms of such
sentence, such as payment of a fine or performance of community services;

(3) If that individual has made arrangements that are satisfactory to
the board, in its discretion, to practice under the supervision of a licensed

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physician for a period of not less than five (5) years following the issuance of the conditional license;

(4) The individual has entered into an agreement with the Tennessee Medical Foundation or other professional associations or foundations which the board, at its discretion, finds to be satisfactory; and

(5) The individual discloses the fact that he or she has a conditional license and the basis for such conditions, in writing, to all of his or her patients.

The failure of an individual who has been granted a conditional license pursuant to this subsection to fully comply with the conditions set forth in the preceding sentence shall be cause for the immediate termination of that conditional license in accordance with applicable provisions of Section 63-6-214.

(b) Any entity or organization referenced in subsection (a) or (b) of Section 63-10-602 shall not refuse to grant privileges to or contract with, respectively, a physician holding a conditional medical license issued pursuant to subsection (a) solely because that physician has previously been convicted of an offense under state or federal drug laws. Any such entity or organization shall not refuse to grant privileges to or contract with a physician who was convicted of an offense under state or federal drug laws prior to the effective date of subsection (a), if that physician has satisfied the conditions set forth in subsection (a). Such entities or organizations shall not be required to grant privileges to or contract with a physician holding a conditional license or

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who was previously convicted of a state or federal drug offense, however, unless that physician:

- (1) Is not subject to any Medicare, Medicaid or TennCare sanction;
- (2) Has an unrestricted certificate from the federal drug enforcement administration;
- (3) Satisfies all of the entity's or organization's credentialing requirements, including acceptance by an organization's peer review committee operating pursuant to Section 63-10-602; and
- (4) Accepts and complies with all terms and conditions of the privileges or contract offered to that physician by that entity or organization.

There shall be a presumption that an entity or organization who grants privileges to or contracts with a physician pursuant to this subsection has exercised reasonable care in taking such action.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

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